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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number	09/353,583
Filing Date	July 15, 2003
First Named Inventor	Sam Reichgott
Art Unit	2611
Examiner Name	TRAN, Hal V.
Attorney Docket Number	80113-0040

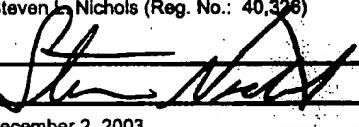
**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## Remarks

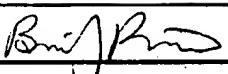
203 DEC - 9 AM 11:31  
US PATENT & TRADEMARK OFFICE  
REFUND BRANCH

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name: Steven L. Nichols (Reg. No.: 40,326)  
 Signature:   
 Date: December 2, 2003

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Brian J. Riddle		
Signature		Date	December 2, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/PR-14  
DRAFTING  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Sam Reichgott et al.

Application No.: 09/353,583

Filed: July 15, 1999

For: "Method and Apparatus for Preventing Disruptions in Set-Top Terminal Function Due to the Downloading of Updated Programming or Data to the Set-Top Terminal"

Group Art Unit: 2611

Examiner: TRAN, Hai V.

#251 Reg for  
refund  
12-16-03

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REFUND REQUEST  
Improper Charge of Deposit Account

Sir:

**I. REFUND REQUEST**

This request for refund is made within three months of the date a fee was paid in this application on September 5, 2003, in the amount of \$ 320.00.

**II. FEES PAID FOR WHICH REFUND REQUESTED**

**AMOUNT OF REFUND  
REQUESTED**

Filing a brief in support of an appeal \$ 320.00

**REFUND REQUESTED**

Adjustment date: 12/16/2003 EEKUBAYI  
09/10/2003 AWOHDAF1 00000064 180013 09353583  
01 FC:1402 320.00 CR

\$ 320.00

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

An Appeal Brief was filed on March 17, 2003. A Fee Transmittal for FY 2003 (form PRO/SB/17) was included in this filing indication that the deposit account of 18-0013 was to be charged \$ 320.00 for

the filing of this appeal brief.

Again on September 5, 2003, a Supplemental Appeal Brief was filed and a Fee Transmittal for FY 2003 (form PRO/SB/17) was included in this filing indication that the deposit account of 18-0013 was to be charged \$ 320.00 for the filing of this Supplemental Appeal Brief. This second Fee Transmittal form was submitted in error, and the client is requesting a refund of this second charge of \$320.00.

#### IV. MANNER OF REFUND

Please make refund by crediting Account No. 18-0013 / 80113-0040.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
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Alexandria, VA 22313-1450.

Date of Deposit: December 2, 2003

Typed Name: Brian J. Riddle

Signature: Brian J. Riddle

Respectfully submitted,

By:



Steven L. Nichols  
Attorney/Agent for Applicant(s)  
Reg. No.: 40,326  
Date: December 2, 2003  
Telephone No.: (801) 572-8066